

**REMARKS**

**1. Status of the Claims**

Claims 1, 3-12 and 16 are pending in this application. Claims 9, 10, and 12 are indicated as allowed. Claims 1, 3-7, 11 and 16 have been rejected.

Claims 3 and 6 are herein cancelled.

Claims 1, 4, 5, 7, 8 and 11 are herein amended.

Claim 1 has been amended to incorporate claim 6 and the compounds of claim 8.

Claim 4 has been amended to be consistent with claim 1.

Claim 5 has been amended to remove cancelled claim 3 from its dependency.

Claim 7 has been amended to incorporate the compounds from claim 10.

Claims 1, 8 and 11 have been amended to clarify the term alkenyl.

Claim 11 has been amended to insert formula (Ia).

No new matter has been added.

**2. Rejections under 35 U.S.C. §102**

**a. US 3,629,284**

The Examiner rejects claims 1, 3, and 5-7 under 35 U.S.C. § 102(b) as anticipated by US 3,629,284. Applicants note that claim 8 has not been rejected as anticipated. Solely in order to further prosecution and without conceding the propriety of the rejection, claim 1 currently recites the compounds of claim 8. As those compounds have been found novel, the methods employing the novel compounds should also be found novel. Accordingly, Applicants submit that claims 1, 3, and 5-7 are not anticipated by the '284 patent. Applicants request that the rejection be withdrawn.

**b. US 3,752,826**

The Examiner rejects claims 1 and 4-7 under 35 U.S.C. § 102(b) as anticipated by US 3,752,826. Applicants note that claim 8 has not been rejected as anticipated. Solely in order to further prosecution and without conceding the propriety of the rejection, claim 1 currently recites

the compounds of claim 8. As those compounds have been found novel, the methods employing the novel compounds should also be found novel. Accordingly, Applicants submit that claims 1, and 4-7 are not anticipated by the '826 patent. Applicants request that the rejection be withdrawn.

**3. Rejections under 35 U.S.C. § 112, second paragraph**

The Examiner rejects claims 4, 11, and 16 under 35 U.S.C. § 112, second paragraph as being indefinite.

Applicants note that claim 4 no longer recites the term "more preferably". Thus, Applicants submit that the claim is clear and request that the rejection be withdrawn.

The Examiner rejects claims 11 and 16 as not reciting a chemical name or structure. Applicants have inserted the chemical structure for Formula (Ia) into claim 11. Applicants submit that the claim is clear and request that the rejection be withdrawn.

**4. Claim Objections**

The Examiner objects to claim 7 as being in an improper dependent form because it fails to further limit the subject matter of a previous claim. Claim 7 has been amended to recite specific compounds which fall within the structure of Formula (Ia). Applicants request that the objection be withdrawn.

The Examiner objects to claim 1 for the position of the substituted "R" variable, citing a compound from claim 7 which has a substituent at both positions 3 and 4. Applicants have amended claim 7 which no longer recites two substituents. Applicants request that the objection be withdrawn.

The Examiner also objects to claims 1 and 8 for the recitation of "C<sub>1</sub>-C<sub>6</sub> alkenyl". As an alkenyl contains at minimum 2 carbons, the claims have been amended to recite "C<sub>2</sub>-C<sub>6</sub> alkenyl". Applicants request that the objection be withdrawn.

**CONCLUSION**

Applicants believe the pending application is clear, novel, and is in condition for allowance.


Should there be any outstanding

matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell Reg. No. 36,623 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 18, 2009

Respectfully submitted,

By   
Mark J. Nuell  
Registration No. 36,623  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
12770 High Bluff Drive, Suite 260  
San Diego, California 92130  
(858) 792-8855  
Attorney for Applicant